

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Salmi et al

Application No.: 10 / 099,902

Group No.: 2143

Filed: March 13, 2002

Examiner: Asghar H. Bilgrami

For: REALIZATION OF PRESENCE MANAGEMENT

Mail Stop Appeal Brief—Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF  
(PATENT APPLICATION—37 C.F.R. § 41.37)

NOTE: The phrase "the date on which" an "appeal was taken" in 35 U.S.C. 154(b)(1)(A)(ii) (which provides an adjustment of patent term if there is a delay on the part of the Office to respond within 4 months after an "appeal was taken") means the date on which an appeal brief under § 1.192 (and not a notice of appeal) was filed. Compliance with § 41.37 requires that: 1. the appeal brief fee (§ 41.20(b)(2)) be paid (§ 41.37(a)(2)); and 2. the appeal brief complies with §§ 41.73(c)(i)-(x). See Notice of September 18, 2000, 65 Fed. Reg. 56366, 56385-56387 (Comment 38).

1. Transmitted herewith, in triplicate, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on January 3, 2006

NOTE: Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31. 37 CFR 41.(a)(1). The brief is no longer required in triplicate. The former alternative time for filing a brief (within the time allowed for reply to the action from which the appeal was taken) has been removed. Appellant must file within two months from the notice of appeal. See Notice of August 12, 2004, 69 FR 49960, 49962.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## 2. STATUS OF APPLICANT

This application is on behalf of

- ☒ other than a small entity.  
☐ a small entity.

A statement:

- ☐ is attached.  
☐ was already filed.

## 3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

- ☐ small entity \$250.00  
☒ other than a small entity \$500.00

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## 4. EXTENSION OF TERM

NOTE: 37 C.F.R. § 1.704(b) ". . . an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

NOTE: The time periods set forth in 37 C.F.R. § 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 C.F.R. § 1.191(d). See also Notice of November 5, 1985 (1060 O.G. 27).

NOTE: As the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the six-month maximum period specified in 35 U.S.C. § 133, the period for filing an appeal brief may be extended up to seven months. 62 Fed. Reg. 53,131, at 53,156; 1203 O.G. 63, at 84 (Oct. 10, 1997).

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(5)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$1,080.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### 5. TOTAL FEE DUE

The total fee due is:

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Extension fee (if any) \$ \_\_\_\_\_

**TOTAL FEE DUE \$ 500.00**

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- ☒ Attached is a ☒ check ☐ money order in the amount of \$ 500.00
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- ☐ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.
- ☐ A duplicate of this paper is attached.

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**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to change the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

- ☒ If any additional extension and/or fee is required,

AND/OR

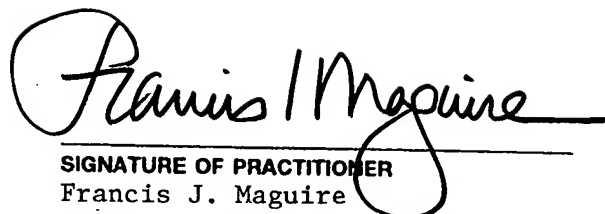
- ☒ If any additional fee for claims is required, charge:
- ☒ Deposit Account No. 23-0442
- ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.

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A handwritten signature in black ink, reading "Francis J. Maguire". The signature is written in a cursive style with a large, looping initial "F".

SIGNATURE OF PRACTITIONER

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(Transmittal of Appeal Brief [9-6.1]—page 4 of 4)

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944-001.064



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Salmi et al

Serial No.: 10/099,902

Examiner: Asghar H. Bilgrami

Filed: March 13, 2002

Group Art Unit: 2143

For: REALIZATION OF PRESENCE MANAGEMENT

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**BRIEF FOR APPELLANT (37 CFR § 41.37)**

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Dated: March 1, 2006

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**BRIEF OF APPELLANT (37 CFR § 41.37)**

Sir:

This brief is in furtherance of the Notice of Appeal filed in this case on January 3, 2006.  
This is an appeal from the Final Office Action dated September 29, 2005 rejecting claims 1-62.

I. **REAL PARTY IN INTEREST (37 CFR § 41.37(c)(1)(i))**

The real party in interest is Nokia Corporation, a corporation duly organized and existing under the laws of Finland.

II. **RELATED APPEALS AND INTERFERENCES (37 CFR § 41.37(c)(2)(ii))**

There are no related appeals or interferences.

III. **STATUS OF CLAIMS (37 CFR § 41.37(c)(1)(iii))**

Claims 1-62 are pending, and all claims stand rejected.

IV. STATUS OF AMENDMENTS (37 CFR § 41.37(c)(1)(iv))

The last response submitted by Applicants was mailed November 28, 2005, and was entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER (37 CFR § 41.37(c)(1)(v))

The present invention relates to a data structure defining a presence protocol, a device, a server, a system and method to provide management of presence information as a standalone service, and as part of the instant messaging service of a communication system. See Abstract.

Independent claim 1 recites a data structure including a plurality of primitives. See page 19, lines 25-27. Each primitive is at least temporarily stored in a computer readable medium of a client and a computer readable medium at a server during transfer of the primitives over a network between the client and server. The data structure of claim 1 includes a get presence primitive 32 provided from a client of a requesting user to a server, in order to request presence information of a requested user. See page 27, lines 21-22; FIG. 3A. The get presence primitive 32 has various information elements including a requesting user identifier, a requested user identifier, and a list of presence values requested. See page 29, lines 3-7; Table 3. The data structure of claim 1 also includes a presence primitive 33 provided from the server to the requesting user client to provide the presence information of a requested user. See page 27, lines 22-23; FIG. 3A. The presence primitive 33 has various information elements including the requested user identifier and a list of presence values supplied. See page 29, lines 9-12.

Independent claim 22 recites a presence information service management method for use by a server. The method of claim 22 includes a step of the server receiving presence authorization messages initiated by users in order to pre-authorize access to selected presence information of the users. See page 28, lines 12-20; FIG. 4D. The method of claim 22 also includes a step of the server receiving presence information update messages initiated by updating users. See page 28, line 27—page 29, line 3. The method of claim 22 further includes a step of the server receiving presence information request messages from presence service requesting users including users requesting presence information to which a response is required and including subscribing users initially subscribing to presence information to which on-going responses including requested presence information are required. See page 27, lines 21-22; page 31, lines 28-30. The method of claim 22 also includes a step of the server determining if access



to the requested presence information has been pre-authorized and, if not, requesting authorization from a user whose presence information has been requested. See page 29, lines 7-12. Furthermore, claim 22 includes a step of the server providing the requested presence information to the users who have requested the presence information, and providing requested presence information on an on-going basis to the subscribing users particularly after receiving the presence information update messages from said updating users. See page 27, lines 22-23; page 31, lines 28-30.

Independent claim 42 recites a server for carrying out a presence information service management method for clients. The server has a means 625, 133p for receiving presence authorization messages 37, 38, 64, 84 initiated by users to authorize access to selected presence information of the users. See page 36, lines 11-16; FIG. 4D. Means 133p comprises a signaling mechanism that sends signals to a mechanism that determines if acquisition of the presence information by the requesting client has been authorized. The server of claim 42 also has a means 425 for receiving presence information update messages 31, 35, 86 initiated by updating users. See FIG. 4D. The server of claim 42 further comprises a means 46s, 133i for receiving presence information request messages from presence server requesting users including users requesting presence information to which a response is required and including subscribing users initially subscribing to presence information to which on-going responses including requested presence information are required. See page 30, lines 9-14; FIG. 3C; page 36, lines 1-6; FIG. 4D. Means 133i comprising a mechanism that retrieves requested presence information. Furthermore, claim 42 includes a means 133f for determining if access to the requested presence information has been authorized and, if not, requesting authorization 133n from a user whose presence information has been requested. See page 36, lines 7-21; FIG. 4D. Claim 42 also includes a means 50s, 133k for providing the requested presence information to which a response is expected to the requesting users and for providing requested presence information on an on-going basis to the subscribing users subscribing to presence information update messages from the updating users. See page 30, lines 9-14; FIG. 3C; page 36, lines 4-6; FIG. 4D.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL (37 CFR § 41.37(c)(1)(vi))

Claims 1-62 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gudjonsson et al. (U.S. Patent No. 6,564,261).

VII. ARGUMENT (37 CFR § 41.37(c)(1)(vii))

Independent claim 1

The Examiner interpreted the limitations of claim 1 too broadly. Claim 1 does not cover a subscribed presence model as stated by the Examiner, because a “get presence primitive” does not include a subscription request. During patent prosecution an examiner must give claims their broadest reasonable interpretation consistent with the specification. MPEP § 2111. This requirement ensures that once a claim issues it is not interpreted more broadly than justified. However, the examiner is limited in how broad an interpretation can be given to a claim. The interpretation of a claim must be “reasonable.” In re Morris, 44 USPQ2d 1023, 1028-29 (Fed. Cir. 1997) (question is whether the PTO’s interpretation of the disputed claim language is “reasonable”). In addition, the interpretation must be “consistent with the specification.” In re Cortright, 49 USPQ2d 1464, 1467 (Fed. Cir. 1999).

In the first Office Action of May 6, 2005 the Examiner interpreted “get presence primitive” to mean a “subscription request.” Then in the final Office Action of September 29, 2005 the Examiner attempted to support his position by stating that “get presence primitive” means all kind of status information, and that all kinds of status information includes subscription information. Claim 1 only covers the unsubscribed presence model discussed on page 27 of the specification. Interpreting “get presence primitive” to mean a “subscription request” expands the scope of claim 1 to include the subscribed presence model, and is unreasonable and inconsistent with the specification. The Examiner’s interpretation is too broad and covers elements not included in the scope of claim 1.

The Examiner asserted that all kinds of status information includes subscription information. This interpretation is unreasonable because the Examiner ignored interpretive guidance afforded by the applicant’s specification. In re Morris, 44 USPQ2d at 1027. Presence information is the same as status information. However, it is clear that “status information” does not include a subscription request. The specification of the current application makes it clear that

presence is information about a user, for example “emotional status such as mood and willingness for communication.” See page 1, lines 22-26. While it is true that presence and status refer to the same concept, these refer to attributes that are personal to a user. See page 4, lines 3-7 (presence information is classifiable as user availability, or user personal status). Status is different than a subscription request because it is personal to a user. See page 22, lines 17-19. A subscription request is a command generated by a user in order to subscribe to another user’s status information. For example, Figure 4D demonstrates that the GetPresence 32 primitive is a separate message from the SubsPresence 80 primitive. The guidance provided by the specification makes it clear that status information does not include subscription information. Therefore, a get presence primitive as used in claim 1 does not include a subscription request, because claim 1 only recites the unsubscribed presence model.

In addition, the PTO’s interpretation of a claim term is inconsistent if it is so broad that it conflicts with the meaning given to identical terms in other patents from analogous arts. In re Cortright, 49 USPQ2d at 1467. The Examiner cites Gudjonsson as prior art, but Gudjonsson does not define presence information to include a subscription request. Gudjonsson refers to presence data of a user as arbitrary sets of data related to the identity of each user. See column 8, lines 53-56. Gudjonsson indicates that presence data of a user is different than a subscription request, and the Examiner has interpreted “get presence primitive” in a way that is inconsistent with the specification and the prior art. Therefore, the interpretation of get presence primitive by the Examiner is incorrect, and claim 1 must be interpreted to only include an unsubscribed presence model.

Gudjonsson only teaches obtaining presence information of a user when another user has subscribed to that user’s presence information. In contrast, present claim 1 recites a situation in which an unsubscribed user is able to retrieve presence information of another user. The present invention makes this possible by providing separate presence service parts 12a, 12b of the IM services capabilities layer 12. See FIG. 1B.

The differences between the unsubscribed presence and subscribed presence models will now be summarized. Compare the unsubscribed presence model shown in Figure 3A, and the subscribed presence model shown in Figure 4A. Notice that the “get presence” primitive on the line 32 requires the presence server 27 to request presence authorization by sending a signal on the line 36 to another IM client. Only after an authorization signal is received on the line 37 is

the presence sent on the line 33 from the presence server 27 to the IM client that originated the “get presence” request on the line 32. The “get presence” primitive means that the IM client on the left hand side of Figure 3A is not already subscribed to the presence information of the IM client on the right hand side. The presence server 27 has to then, right then and there, go get the presence information before it can send the presence information to the requesting IM client. This interpretation is the only reasonable interpretation that is consistent with the specification and prior art. In the unsubscribed presence model, a user can obtain presence information for another user *separately* from messaging services by issuing a query to the presence server. See page 27, lines 15-16; FIG. 3A. A user issues a get presence message 32 in order to request the presence information of some other user, and then the other user’s presence information is delivered back to the requesting user. See page 27, lines 21-23. Gudjonsson does not teach or suggest obtaining presence information of a user without first being subscribed to that user’s presence information.

The “subscribed presence” model is shown as *an additional* part of the claimed data structure. See page 31, line 20; Fig. 4A. This additional feature is claimed in dependent claim 4. In the subscribed presence model, a subscribed presence signal on a line 80 is sent to the presence server where the presence server recognizes the subscribed presence primitive as requesting a subscription to presence information, in the sense used by the Examiner. The presence server again requests authorization but on an ongoing basis so that once the presence server receives the authorization, it will send the presence information not only immediately as on the line 88 but also after updates such as the updates shown on the line 86 followed by sending the updated information on the line 90 without any need for a separate request from the IM client on the left.

The Examiner cites column 11, lines 43-64 of Gudjonsson as teaching the elements recited in claim 1. However, this portion fails to teach or suggest an unsubscribed model for obtaining a user’s presence information. Gudjonsson teaches the use of a “contact list” that is maintained by the user and includes other individuals that the user knows and has contact with. See column 11, lines 46-49. The contact list is the equivalent of the subscribed presence model of the present invention. The owner of the contact list must select individuals to be on the contact list, and thereby “subscribe” to their presence information. The user can subscribe to an individual’s presence information by entering new contacts, but the user must first know the

contacts system/network identity, or search a directory based on various criteria. See column 11, lines 59-63. Furthermore, the statement, “the list may show the online status of *these* other users,” makes it apparent that the online status (i.e. presence information) of a user can only be obtained after the contact list owner adds the user to his or her contact list. See column 11, lines 51-52. This fact becomes even clearer when considered in light of column 12, lines 55-65. This section describes a variety of functions available to a contact list user, but only after the user has *selected* a user from the contact list. For instance, the contact list owner (selecting user 7) can display information about a given contact, and the contact is defined as a user selected from the contact list. See column 12, lines 57-58.

The Examiner also cites column 26, lines 40-58 of Gudjonsson as disclosing the limitations of present claim 1. However, this section also fails to disclose or suggest an unsubscribed model for obtaining presence information as recited in claim 1. A user’s online status (i.e. presence information) is subscribed from the responsible user server (US) 19 by connection servers (CS) 21 that are watching the user *as someone’s contact*. See column 26, lines 42-45. Gudjonsson requires that a user be someone’s contact (i.e. their information has been subscribed to) before a CS will watch the user and make their information available to other users. Therefore, Gudjonsson only discloses the subscribed presence model and not the unsubscribed presence model as recited in claim 1.

The fact that Gudjonsson fails to disclose or suggest an unsubscribed presence model is also evident from column 8, lines 53-65. This section describes the basic set of features that the invention disclosed by Gudjonsson provides. Feature 5 allows each user 7 the ability to monitor the status/presence of a *given set* of other users. See column 8, lines 60-62. The given set of other users is the group of users that a user 7 has subscribed to, in contrast to an unsubscribed model as recited in claim 1 in which a user can get presence information on *any* user. Furthermore, feature 6 provides each user 7 the ability to look for other user’s identities using queries by name or other useful criteria. While a user 7 can find the identity of a particular user, the user 7 cannot get presence information until that user finds another user and subscribes to that user’s presence information. Therefore, Gudjonsson fails to disclose or suggest the unsubscribed presence model recited in claim 1.

A claim is only anticipated if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. In re Robertson, 49

USPQ2d 1949, 1950 (Fed. Cir. 1999); MPEP § 2131. Therefore, claim 1 is not anticipated because every element of claim 1 is not described by Gudjonsson.

#### Dependent Claim 2

Claim 2 recites an option in which an authorization sequence may occur between the “get presence” message on the line 32 and the presence delivery on the line 33. See page 28, lines 12-22. Claim 2 recites an authorization sequence wherein after the unsubscribed request for presence information on the line 32 an authorization request 36 is sent to the user to authorize the presence information, as shown by an authorization message at line 37. Gudjonsson does not disclose or suggest an authorization sequence prior to the retrieval of a user’s presence information. Therefore, for this reason and for the same reasons as discussed in relation to independent claim 1 because dependent claim 2 depends directly from claim 1, and contains all the limitations therein, claim 2 is not anticipated by Gudjonsson.

#### Dependent Claims 3-21 and 62

Dependent claims 3-21 and 62 depend directly or indirectly from claim 1, contain all the limitations therein, and are not anticipated by Gudjonsson for the same reasons as discussed in relation to independent claim 1.

#### Independent Claim 22

Claim 22 recites a method for presence information service management, and is rejected as anticipated by Gudjonsson. However, Gudjonsson does not disclose all the limitations of claim 22.

The method of claim 22 includes a step of a server receiving presence authorization messages from users that are initiated by the users to preauthorize access to selected presence information. Gudjonsson does not disclose the receipt by a server of user presence authorization messages. While Gudjonsson does disclose users being able to centrally define and modify data points linked to them, this is not the equivalent of a presence authorization message to preauthorize access to selected presence information. Gudjonsson only discloses modification of user “presence” information, and does not disclose that this modification includes pre-authorization release of their presence information when requested. In contrast, claim 22 recites that users can control access of other users to their presence information by sending the server a presence preauthorization message.

In addition, claim 22 recites both the unsubscribed presence and subscribed presence models within the same independent claim. The third step of claim 22 recites that the server receives presence information request messages from users that include users requesting presence information to which a response is required and subscribers initially subscribing to presence information to which on-going responses including requested presence information are required. Gudjonsson does not disclose an unsubscribed presence model combined with a subscribed presence model, as is presently claimed in claim 22.

Column 17, lines 19-37 of Gudjonsson refers to subscribed contact status services only, not unsubscribed. The definitions in column 6, lines 44-55 do not disclose a user request of presence information to which a response is required as distinguished from subscribing users initially subscribing to presence information to which on-going responses including requested presence information is required. Although the word “request” is defined in general it does not give any further details of the nature of the request. The passages following in column 11, beginning at line 31 and ending at line 64 again relate to subscribed presence, not unsubscribed presence combined with subscribed presence, as in claim 22. Figure 17 of Gudjonsson does not show the kind of data structure needed to carry out the unsubscribed presence model claimed in claim 22 wherein both (a) users requesting presence information to which a response is required, and (b) subscribing users initially subscribing to presence information to which on-going responses including requested presence information are required.

Furthermore, claim 22 recites a step of a server determining if a user has authorized access to presence information, and if not, an authorization is requested from the user whose information was requested. Gudjonsson does not disclose determining if a user has authorized access to his or her presence information. Column 11, lines 31-64 of Gudjonsson merely describes a user logging onto an application, which includes functions such as “a contact list.” Gudjonsson only discusses whether a user is currently logged onto the system or, and whether or not the user is immediately reachable. There is no mention of a server determining whether a user has authorized access to his or her presence information. Providing an indication of whether a user is “immediately reachable” is not the same as determining whether *release* of a user’s presence information has been authorized.

The Examiner cited to column 26, lines 40-64 of Gudjonsson as disclosing this step of claim 22, however this portion likewise fails to disclose the limitations of claim 22. Specifically

lines 48-50 state, “When a [user server] US 19 gets a contact list request on a user that hasn’t been loaded it loads the user data from the database.” This disclosure is entirely different than what is recited in claim 22. In claim 22, when a user’s presence information is requested, the server determines whether the user has authorized access, and if not, authorization is requested before information is released. While column 26, lines 62-64 do state that the server filters out blinded users when sending status updates, which arguably can be interpreted as teaching this step of claim 22, it still fails to disclose the limitations recited in this step of claim 22. First, there is no request for authorization from a user whose presence information has been requested when access has not been pre-authorized; instead blinded users are filtered out automatically. Second, each user’s blinded list cannot be active at the same time as their seeing list. See column 27, lines 1-4. In contrast, claim 22 is not limited in this respect because access is determined on a case by case basis when a user’s presence information is requested.

A claim is only anticipated if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. In re Robertson, 49 USPQ2d at 1950; MPEP § 2131. Therefore, claim 22 is not anticipated because Gudjonsson does not describe every element of claim 22.

#### Dependent Claims 23-41

Dependent claims 23-41 depend directly or indirectly from claim 22, contain all the limitations therein, and are not anticipated by Gudjonsson for the reasons discussed above in relation to independent claim 22.

#### Independent Claim 42

Independent claim 42 recites a server for carrying out a presence information service management method for clients, and includes similar limitations as those recited in independent claim 22. For the same reasons discussed in relation to independent claim 22, claim 42 is not anticipated by Gudjonsson.

#### Dependent Claims 43-61

Dependent claims 43-61 depend directly or indirectly from claim 42, contain all the limitations therein, and are not anticipated by Gudjonsson for the reasons discussed above in relation to independent claim 42.



### Conclusion

In view of the above arguments, it is respectfully submitted that the reasoning in the rejection of these claims is in error, and should be reversed.

VIII. CLAIMS APPENDIX (37 CFR § 41.37(c)(1)(viii))

1. (Original) A data structure including a plurality of primitives, each primitive for at least temporary storage in a computer-readable medium at a client and in a computer readable medium at a server during transfer of said primitives over a network between the client and the server, characterized in that

the data structure includes a get presence primitive (32) provided from a client of a requesting user to a server to request presence information of a requested user, that the get presence primitive has various information elements including a requesting user identifier, a requested user identifier, and a list of presence values requested, that

the data structure includes a presence primitive (33) provided from the server to the requesting user client to provide the presence information, and that the presence primitive has various information elements including the requested user identifier and a list of presence values supplied.

2. (Original) The data structure of claim 1, characterized in that

the data structure includes a request presence authorization primitive (36) provided from the server to a requested user client to request authorization to provide presence information of the requested user to the requesting user, that the request presence authorization primitive includes various information elements including the requesting user identifier, that

the data structure includes an authorize presence primitive (37) provided from the requested user client to the server to authorize transfer of the presence information of the requested user to the requesting user, and that the authorize presence primitive includes various information elements including the requesting user identifier.

3. (Original) The data structure of claim 1, characterized in that

the data structure includes an update presence primitive (31) provided from a client of an updating user to the server to provide updated presence information of the updating user, and that the update presence primitive includes various information elements including an updating user identifier and a list of presence values to be updated.

4. (Original) The data structure of claim 1, characterized in that

the data structure includes a subscribe presence primitive (80) provided from a client of a subscribing user to the server to request a subscription to presence information, and that

the subscribe presence primitive includes various information elements including a subscribing user identifier.

5. (Original) The data structure of claim 1, characterized in that

the data structure includes an authorize presence primitive (37, 84) autonomously provided from an initiating client to the server to authorize transfer of presence information of a user of the initiating client to an authorized user, and that the autonomously provided authorize presence primitive includes various information elements including an identifier for identifying the user of the initiating client.

6. (Original) The data structure of claim 1, characterized in that

said presence information is classifiable in any one or more of the following: client reachability, user availability, user personal status, user or client location, and client capabilities.

7. (Original) The data structure of claim 1, characterized in that

the data structure includes a message primitive (140, 142) provided from a message sending client to the server and from the server to a message receiving client, and that the message primitive has various information elements including a sending client identifier, a sending user identifier, and a message content type identifier.

8. (Original) The data structure of claim 7, characterized in that

the data structure includes a delivery primitive (144, 146) provided from the server to the message sending client, and that

the delivery primitive has various information elements including status of message delivery.

9. (Original) The structure of claim 7, characterized in that

the data structure includes a join group primitive (190) provided from a joining client to the server, and that

the join group primitive includes information elements including a group identifier.

10. (Original) The data structure of claim 7, characterized in that the data structure includes a leave group primitive (192) provided from a leaving client to the server, and that the leave group primitive includes various information elements including an identification of a session.

11. (Original) The data structure of claim 7, characterized in that the data structure includes a group left primitive (194) provided from the server to a client, and that the group left primitive includes various information elements including an identifier of a reason for a leaving.

12. (Original) The data structure of claim 7, characterized in that the data structure includes a create group primitive (400) provided from a group creating client to the server, and that the create group primitive includes various information elements including a message identifier, a transaction identifier and an identifier of properties of the group.

13. (Original) The data structure of claim 9, characterized in that the join group primitive includes information elements including a message identifier, a transaction identifier and said group identifier.

14. (Original) The data structure of claim 7, characterized in that the data structure includes a delete group primitive (412) provided from a deleting client to the server, and that the delete group primitive includes various information elements including a message identifier, a transaction identifier and a group identifier.

15. (Original) The data structure of claim 7, characterized in that

the data structure includes a modify group primitive (408) provided from a modifying client to the server, and that

the modify group primitive includes various information elements including a message identifier, a transaction identifier and a group identification.

16. (Original) The data structure of claim 7, characterized in that

the data structure includes a get group info primitive (404) provided from a client requesting group information to the server, and that

the get group info primitive includes various information elements including a message identifier, a transaction identifier and a group identifier.

17. (Original) The data structure of claim 1, characterized by said presence values associated with corresponding presence attributes classified and typed according to a standard.

18. (Original) A device having means for at least temporarily storing a data structure for transmission or reception, characterized in that said data structure is according to claim 1.

19. (Original) A system having at least one server able to communicate with a plurality of devices, wherein a communication protocol is used between the at least one server and the plurality of devices with a data structure according to claim 1.

20. (Original) The system of claim 19, characterized by said presence values having associated space and time information useable by said at least one server to modify said presence values or related presence values.

21. (Original) The system of claim 20, characterized by said presence values having a validity attribute associated to said space and time information.

22. (Original) Presence information service management method for use by a server, characterized by

a step of said server receiving (37, 38, 64; 84) presence authorization messages from users wherein said presence authorization messages are initiated by said users to pre-authorize access to selected presence information of said users, by

a step of said server receiving (31, 35; 86) presence information update messages from updating users wherein said update messages are initiated by said updating users, by

a step of said server receiving (32; 80) presence information request messages from presence service requesting users including users requesting presence information to which a response is required and including subscribing users initially subscribing to presence information to which on-going responses including requested presence information are required, by

a step of said server determining (133f) if access to said requested presence information has been pre-authorized and, if not, requesting authorization (36, 54; 82) from a requested user whose presence information has been requested, and if authorized or pre-authorized, by

a step of said server providing (33) said requested presence information to which a response is expected to said requesting users requesting presence information to which a response is expected and providing (88, 90) requested presence information on an on-going basis to said subscribing users subscribing to presence information to which on-going responses are required, particularly after receiving said presence information update messages from said updating users.

23. (Original) The presence information service management method of claim 22, characterized in that each of said presence information request messages comprises a primitive having various mandatory information elements including a message identifier, a transaction identifier, and an identification of a requested user.

24. (Original) The presence information service management method of claim 23, characterized in that said primitive has at least one optional information element comprising a list of presence values requested.

25. (Original) The presence information service management method of claim 22, characterized in that said step of requesting authorization from a requested user is carried out by means of an authorization message comprising a primitive having various mandatory

information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier and a list of presence values.

26. (Original) The presence information service management method of claim 22, characterized in that presence information is authorized by means of said authorization messages from authorizing users each comprising an authorization primitive having various mandatory information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier, and a list of presence values.

27. (Original) The presence information service management method of claim 26, characterized in that said primitive has at least one optional information element comprising a group identifier if authorization is related to a group.

28. (Original) The presence information service management method of claim 22, characterized in that a buddy list user maintains one or more buddy lists on a server for sending messages to one or more recipient users separately or to a whole buddy list, wherein the recipient users are not necessarily aware of the buddy list and cannot refer to the buddy list with any replies they make, and said buddy list user maintaining one or more buddy lists on said server is able to access buddy list presence information.

29. (Original) The presence information service management method of claim 22, further characterized by

a step of said server receiving (190) join group primitives from member users joining a private user group, by

a step of said server providing (186) presence primitives indicative of presence information of member users of said private user group to each member user upon joining said private user group but not after departing, and by

a step of said server providing (194) group left primitives indicative of departed member users to remaining private user group member users upon receipt (192) of leave group primitives indicative of said departing member users.

30. (Original) The presence information service management method of claim 29, characterized in that member users are joined by said step of joining only if said join group message is preceded by a step of providing an invitation to join primitive to said joining member user.

31. (Original) The presence information service management method of claim 22, further characterized by

a step of said server receiving (400) a create group primitive from a member user creating a user group, said create group primitive having information elements indicative of identification of a client used by the user creating the user group, identification of the member user creating the user group, and a list of member users of the user group, by

a step of said server reporting (402) to the member users with a group information primitive indicative of establishment of the user group and selected group information, and by

a step of said server permitting member users of the user group to interchange message primitives.

32. (Original) The method of claim 31, further characterized by

a step of said server receiving (404) a request for group information from a requesting member user, and by

a step of said server reporting (406) to the requesting member user with a group information primitive indicative of selected group information.

33. (Original) The method of claim 31, further characterized by

a step of said server receiving (408) a request to modify said user group from a requesting member user, and by

a step of said server reporting (410) to the requesting member user with a group information primitive indicative of selected group information.

34. (Original) The method of claim 31, further characterized by

a step of said server receiving (412) a request to delete said user group from a requesting member user, and by



a step of said server reporting to the member users with a status primitive indicative of disestablishment of said user group.

35. (Original) The presence information service management method of claim 22, further characterized by

a step of said server receiving (550) a store content primitive from a storing user and storing any content conveyed in a content information element of said content primitive along with or according to information elements identifying said store content primitive, a store transaction, a storing user, a storing client used by said storing user, a group, properties of said content, and a header of said content, by

a step of said server providing (552) a content information primitive to member users in said group having information elements identifying said content information primitive, said store transaction, and said header, by

a step of said server receiving (562) a get content information primitive from a retrieving user in said group having information elements identifying said get content primitive, a retrieval transaction, the retrieving user, a retrieving client used by said retrieving user, and said group, and by

a step of said server providing (565) a receive content primitive to said retrieving user having information elements identifying said receive content primitive, said retrieval transaction, said group, said content, said header of said content, and having an information element containing shared content for storing among said member users.

36. (Original) The method of claim 29, further comprising the steps of

a step of said server receiving (564) a delete content primitive from a deleting user having information elements identifying said delete content primitive, a delete transaction, the deleting user, a deleting client used by said deleting user, said group, and content for deletion, and by

a step of said server deleting said shared content.

37. (Original) The presence information service management method of claim 22, further characterized by

a step of said server providing (552) a content information primitive to a notified user from a server having information elements identifying said content information primitive, a store transaction, and a header, by

a step of said server receiving (562) a get content information primitive from said notified user having information elements identifying said get content primitive, a retrieval transaction, and said notified user, and by

a step of said server providing (565) a receive content primitive from said server to said notified client having information elements identifying said receive content primitive, said retrieval transaction, said header, and having an information element containing shared content.

38. (Original) The method of claim 34 for adding to said shared content at said server by a storing user, further characterized by a step of said server receiving (550) a store content primitive at said server having content in an information element thereof for said adding to said shared content along with or according to information elements identifying said store content primitive, a store transaction, the storing user and a header.

39. (Original) The method of claim 37 for deleting from said shared content at said server by a deleting user, further characterized by a step of said server receiving (564) a delete content primitive from said deleting user at said server, said primitive having information elements identifying said delete content primitive, a delete transaction, the deleting user and content for deletion.

40. (Original) The presence information service management method of claim 22, further characterized by an exception management method for use in exception handling of a transaction by a user or server in responding to a request by said server or said user, respectively, by

a step of providing a status primitive in said responding to said request for indicating success or failure of said transaction as well as further information contained in information elements of said status primitive, and by

a step of receiving said status primitive in said requesting server or said requesting user for recognizing said indication of success or failure.

41. (Original) The method of claim 40, wherein said information elements include a message identifier, a transaction identifier, and a status value indicative of said success or failure.

42. (Original) A server for carrying out a presence information service management method for clients, characterized by

means (625; 133p) for receiving presence authorization messages (37, 38, 64; 84) from users wherein said presence authorization messages are initiated by said users to authorize access to selected presence information of said users, by

means (425) for receiving presence information update messages (31, 35; 86) from updating users wherein said update messages are initiated by said updating users, by

means (46s; 133i) for receiving presence information request messages from presence service requesting users including users requesting presence information to which a response is required and including subscribing users initially subscribing to presence information to which on-going responses including requested presence information are required, by

means (133f) for determining if access to said requested presence information has been authorized and, if not, for requesting authorization (133n) from a requested user whose presence information has been requested, and by

means (50s; 133k) for providing said requested presence information to which a response is expected to said requesting users requesting presence information to which a response is expected and for providing requested presence information on an on-going basis to said subscribing users subscribing to presence information to which on-going responses are required, particularly after receiving said presence information update messages from said updating users.

43. (Original) The server of claim 42, characterized in that each of said presence information request messages comprises a primitive having various mandatory information elements including a message identifier, a transaction identifier, and an identification of a requested user.

44. (Original) The server of claim 43, characterized in that said primitive has at least one optional information element comprising a list of presence values requested.

45. (Original) The server of claim 42, characterized in that said means for requesting authorization from a requested user provides an authorization message comprising a primitive having various mandatory information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier and a list of presence values.

46. (Original) The server of claim 42, characterized in that presence information is authorized by means of said authorization messages from authorizing users each comprising an authorization primitive having various mandatory information elements including a message identifier, an authorization request transaction identifier, a requesting user identifier, and a list of presence values.

47. (Original) The server of claim 46, characterized in that said primitive has at least one optional information element comprising a group identifier if authorization is related to a group.

48. (Original) The server of claim 42, characterized in that a buddy list user maintains one or more buddy lists on a server for sending messages to one or more recipient users separately or to a whole buddy list, wherein the recipient users are not necessarily aware of the buddy list and cannot refer to the buddy list with any replies they make, and said buddy list user maintaining one or more buddy lists on said server is able to access buddy list presence information.

49. (Original) The server of claim 42, further characterized by  
means (258) for receiving join group primitives from member users joining a private user group, by

means (266) for providing presence primitives indicative of presence information of member users of said private user group to each member user upon joining said private user group but not after departing, and by

means (288) for providing group left primitives indicative of departed member users to remaining private user group member users upon receipt of leave group primitives indicative of said departing member users.

50. (Original) The server of claim 49, characterized in that member users are joined by said step of joining only if said join group message is preceded by providing an invitation to join primitive to said joining member user.

51. (Original) The server of claim 42, further characterized by  
means (450) for receiving a create group primitive from a member user creating a user group, said create group primitive having information elements indicative of identification of a client used by the user creating the user group, identification of the member user creating the user group, and a list of member users of the user group, by  
means (456) for reporting to the member users with a group information primitive indicative of establishment of the user group and selected group information, and by  
means (27b) for permitting member users of the user group to interchange message primitives.

52. (Original) The server of claim 51, further characterized by  
means (458) for receiving a request for group information from a requesting member user, and by  
means (456) for reporting to the requesting member user with a group information primitive indicative of selected group information.

53. (Original) The server of claim 51, further characterized by  
means (462) for receiving a request to modify said user group from a requesting member user, and by  
means (456) for reporting to the requesting member user with a group information primitive indicative of selected group information.

54. (Original) The server of claim 51, further characterized by  
means (466) for receiving a request to delete said user group from a requesting member user, and by

means (456) for reporting to the member users with a status primitive indicative of disestablishment of said user group.

55. (Original) The server of claim 42, further characterized by

means (650) for receiving a store content primitive from a storing user and storing any content conveyed in a content information element of said content primitive along with or according to information elements identifying said store content primitive, a store transaction, a storing user, a storing client used by said storing user, a group, properties of said content, and a header of said content, by

means (660) for providing a content information primitive to member users in said group having information elements identifying said content information primitive, said store transaction, and said header, by

means (654) for receiving a get content information primitive from a retrieving user in said group having information elements identifying said get content primitive, a retrieval transaction, the retrieving user, a retrieving client used by said retrieving user, and said group, and by

means (668) for providing a receive content primitive to said retrieving user having information elements identifying said receive content primitive, said retrieval transaction, said group, said content, said header of said content, and having an information element containing shared content for storing among said member users.

56. (Original) The server of claim 49, further characterized by

means (670) for receiving a delete content primitive from a deleting user having information elements identifying said delete content primitive, a delete transaction, the deleting user, a deleting client used by said deleting user, said group, and content for deletion, and by

means (27b) for deleting said shared content.

57. (Original) The server of claim 42, further characterized by

means (660) for providing a content information primitive to a notified user from a server having information elements identifying said content information primitive, a store transaction, and a header, by

means (654) for receiving a get content information primitive from said notified user having information elements identifying said get content primitive, a retrieval transaction, and said notified user, and by

means (668) for providing a receive content primitive from said server to said notified client having information elements identifying said receive content primitive, said retrieval transaction, said header, and having an information element containing shared content.

58. (Original) The server of claim 57, further characterized by means (650) for receiving a store content primitive at said server having content in an information element thereof for said adding to said shared content along with or according to information elements identifying said store content primitive, a store transaction, the storing user and a header.

59. (Original) The server of claim 57, further characterized by means (670) for receiving a delete content primitive from said deleting user at said server, said primitive having information elements identifying said delete content primitive, a delete transaction, the deleting user and content for deletion.

60. (Original) The server of claim 42, further characterized by

means (710; 730) for use in exception handling of a transaction by a user or server in responding to a request by said server or said user, respectively, by

means (714; 734) for providing a status primitive in said responding to said request for indicating success or failure of said transaction as well as further information contained in information elements of said status primitive, and by

means (720; 740) for receiving said status primitive in said requesting server or said requesting user for recognizing said indication of success or failure.

61. (Original) The server of claim 60, wherein said information elements include a message identifier, a transaction identifier, and a status value indicative of said success or failure.

62. (Previously Presented) A system for the management of presence information for use in a communication system comprising:

a client; and

a server in the network, wherein the client and the server are able to exchange presence information having a data structure according to claim 1.



IX. EVIDENCE APPENDIX (37 CFR § 41.37(c)(1)(ix))

None.

X. RELATED PROCEEDINGS APPENDIX (37 CFR § 41.37(c)(1)(x))

None.